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Date November 2, 2006

From Susan M. Pellegrino

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Re U.S. Patent Application Serial No.: 10/764,425

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For U.S. Patent Application Serial No. 10/764,425

- 1) Reply to Office Action mailed on May 11, 2006
- 2) Fee Transmittal (PTO/SB/17) [IN DUPLICATE]
- 3) Certificate of Transmission under 37 CFR 1.8
- 4) Fax Cover Sheet

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PTO/SB/97 (05-03)

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Susan M. Pellegrino, Reg. No. 48,972

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For U.S. Patent Application Serial No. 10/764,425

- 1) Reply to Office Action mailed on May 11, 2006
- 2) Fee Transmittal (PTO/SB/17) [IN DUPLICATE]
- 3) Certificate of Transmission under 37 CFR 1.8
- 4) Fax Cover Sheet

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-04v2)

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FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 2,160.00)

Complete if Known

Application Number	10/764,425	RECEIVED
Filing Date	January 23, 2004	CENTRAL FAX CENTER
First Named Inventor	Deepa Eveleigh	
Examiner Name	David Harold Humphrey	NOV 08 2006
Art Unit	1643	
Attorney Docket No.	5151	

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Order Other None
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Deposit Account Number	13-3372
Deposit Account Name	Jeffrey M. Greenman

The Director is authorized to: (check all that apply)

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 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001 790	2001 395	Utility filing fee			
1002 350	2002 175	Design filing fee			
1003 550	2003 275	Plant filing fee			
1004 790	2004 395	Reissue filing fee			
1005 180	2005 80	Provisional filing fee			
SUBTOTAL (1) (\$)					

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Multiple Dependent	Extra Claims below	Fee from below	Fee Paid
			-20" =	x	
			-3" =	x	

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20			
1201 88	2201 44	Independent claims in excess of 3			
1203 300	2203 150	Multiple dependent claim, if not paid			
1204 88	2204 44	** Reissue independent claims over original patent			
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent			
SUBTOTAL (2) (\$)					

*or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath			
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet			
1053 130	1053 130	Non-English specification			
1812 2,520	1812 2,520	For filing a request for ex parte reexamination			
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action			
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action			
1251 110	2251 55	Extension for reply within first month			
1252 430	2252 215	Extension for reply within second month			
1253 980	2253 490	Extension for reply within third month			
1254 1,530	2254 765	Extension for reply within fourth month			
1255 2,080	2255 1,040	Extension for reply within fifth month			2,160.00
1401 340	2401 170	Notice of Appeal			
1402 340	2402 170	Filing a brief in support of an appeal			
1403 300	2403 150	Request for oral hearing			
1451 1,510	1451 1,510	Petition to institute a public use proceeding			
1452 110	2452 55	Petition to revive - unavoidable			
1453 1,370	2453 685	Petition to revive - unintentional			
1501 1,370	2501 685	Utility issue fee (or reissue)			
1502 490	2502 245	Design issue fee			
1503 660	2503 330	Plant issue fee			
1460 130	1460 130	Petitions to the Commissioner			
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)			
1808 180	1808 180	Submission of Information Disclosure Stmt			
8021 40	8021 40	Recording each patent assignment per property (times number of properties)			
1809 790	2809 395	Filing a submission after final rejection (37 CFR 1.129(a))			
1810 790	2810 395	For each additional invention to be examined (37 CFR 1.129(b))			
1801 790	2801 395	Request for Continued Examination (RCE)			
1802 900	1802 900	Request for expedited examination of a design application			
Other fee (specify) _____					
*Reduced by Basic Filing Fee Paid					
SUBTOTAL (3) (\$ 2,160.00)					

SUBMITTED BY

Name (Print/Type)	Susan M. Pellegrino	Registration No. (Attorney/Agent)	48,972	Telephone (203) 812-8450
Signature	Susan M. Pellegrino		Date	November 8, 2006

(Complete if applicable)

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Attorney Docket No. 5151

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Patent Application of Deepa Eveleigh, et al.

Serial No.: 10/764,425

Group Art Unit: 1643

Filed: January 23, 2004

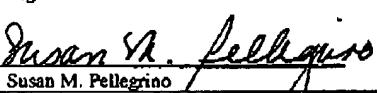
Examiner: David Harold Humphrey

For: Expression Profiles for Colon Cancer and Methods of Use

CERTIFICATION OF MAILING UNDER 37 C.F.R. 1.8(a)

I hereby certify that this correspondence and any papers referred to as attached are being facsimile transmitted to the U.S. Patent and Trademark Office at (571) 273-8300.

Date: November 8, 2006


Susan M. Pellegrino

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

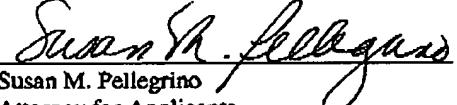
This is in response to the Office Action mailed May 11, 2006. In response to the restriction requirement, applicants elect the claims of restriction Group V, claim 11, directed to a method of identifying a compound useful for the treatment of colon cancer comprising comparing the expression levels of one or more genes selected from the group consisting of SEQ ID NOS: 1-96 prior to treatment with the compound and again after treatment with the compound, for further prosecution in this application. In addition, Applicants elect SEQ ID NOS: 2, 25, 31, 35, 49, 62, 67, 86, 89, and 96 for further prosecution in this application.

Applicants respectfully petition the Commissioner for Patents under the provisions of 37 C.F.R. 1.136(a) to extend the time for filing a response to the Office Action for five (5) month(s) from June 11, 2006 to November 11, 2006. Please charge the fee for the five-month extension of time to Deposit Account No. 13-3372.

If there are any fees due in connection with the filing of the present response, please charge the fees to undersigned's Deposit Account No. 13-3372. If a fee is required for an extension of time not accounted for, such an extension is requested and the fee should also be charged to undersigned's deposit account.

Respectfully submitted,

Date: November 8, 2006


Susan M. Pellegrino
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11/09/2006 MWOLGE1 00000070 133372 10764425

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